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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,555	03/26/2001	Charles Speicher	SMK-001.01	9356
25181	7590	08/11/2005	EXAMINER	
FOLEY HOAG, LLP PATENT GROUP, WORLD TRADE CENTER WEST 155 SEAPORT BLVD BOSTON, MA 02110			APPLE, KIRSTEN SACHWITZ	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/817,555	SPEICHER ET AL.
	Examiner	Art Unit
	Kirsten S. Apple	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 March 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-22 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

Detailed Action

This action is in response to the application filed on 03/23/2001.

Priority

Acknowledgment is made of applicant's claim for prior priority date of U.S. Provisional Patent Application 60/191,992 filed on March 24, 2000.

Drawings

No objections are made to the drawings submitted.

Specification

Under background of invention most of the companies listed no longer exist (see page 2, line 12). Please review company example and update as necessary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popolo (U.S. Patent 5,715,402) in view of Lawrence (U.S. Patent 6,876,309) in further view of Shephard (U.S. Patent 6,912,510.)

Re claim 1, 9, 10 and 14: Popolo discloses:

A system for identifying potential parties to a transaction (see Popolo Abstract "A system... the buyer and sellers engage), comprising:

a plurality of terminals enabling users to enter transaction data into the system
(see Popolo column 1, line 48 "an interactive on-line system), a *first subset of the users forming a part of at least one first exchange, with the users of each first exchange executing transactions within the first exchange to balance supply and demand within the first exchange, wherein a difference between the supply and demand within the first exchange defines a first aggregate supply/demand imbalance of the first exchange* (see Popolo, column 14, line 51 "buyers menu" which is an aggregate of buyers or first exchange,)

a second subset of the users different from the first subset of the users and forming a part of a second exchange, with a user of the second subset of the users having at least one of an excess supply and an excess demand to define a second individual supply/demand imbalance of the respective user (see Popolo, column 5, line 19 "sellers menu" which is an aggregate of sellers or second exchange,)

a communication network having a server and linking with the server the terminals of at least one of the first exchanges and the second subset of users, the server polling the terminals to obtain the first aggregate and second individual supply/demand imbalances (see Popolo, column 1, line 51-52 "a computerized system for the exchange of information between buyer and seller"), and

the server applying at least one business rule to match the first aggregate and second individual supply/demand imbalances (see Popolo, title "matching sellers and buyers"),

thereby identifying potential parties to a transaction (see Popolo, title “matching sellers and buyers”).

Although Popolo does not explicitly address users remaining anonymous (see Applicants claim 1, page 21, line 18-19 “*while preventing the first and second subset of users from obtaining the identity of the respective other users*”) Lawrence clearly address “anonymity between the buyer and seller” (See Lawrence, column 1, line 21-22.)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add anonymity as taught in Lawrence to Popolo. The motivation to do so would be to minimize any priority business information risk that might limit users from using the system.

The systems claim 1 is similar to the program claim 9, method claim 10 and web site claim 14. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claim 9, 10 and 14 are rejected based on the information provided regarding claim 1.

Re claim 2, 11 and 15: Popolo discloses:

The system wherein the business rule is selected from the group consisting of part number, part type, part count, characteristic attributes (see Popolo, Fig. 7 “selected commodity,” “quantity,” “condition,” “size,” and “description”) of a party on the other side of the transaction, customizable time periods (see Popolo, Fig. 7, item 198, “terms & conditions”), and internal supply/demand of the first and second exchanges.

The systems claim 2 is similar to the method claim 11 and web site claim 15. It would be obvious to one of ordinary skill in the art that these claim have similar

limitation. Therefore, claim 11 and 15 are rejected based on the information provided regarding claim 2.

Re claim 3, 12 and 16: Popolo discloses:

The system wherein the characteristic attributes of a party are selected from the group consisting of geographic location of the party, name of the party, manufacturing capacity of the party and creditworthiness of the party. (See Popolo, column 3, line 59-61 "users name, address and voice phone number")

Although Popolo does not explicitly address "manufacturing capabilities" and "creditworthiness" it would have been obvious to one of ordinary skill in the art at the time the invention was made to add these two additional characteristics. The motivation to do so would be to minimize risk that might limit users from using the system.

The systems claim 3 is similar to the method claim 12 and web site claim 16. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claim 12 and 16 are rejected based on the information provided regarding claim 3.

Re claim 4, 13 and 17: Popolo discloses:

The system wherein the server includes a relational database capable of providing a common view of the transaction data to the users (see Popolo, column 1, line 51-52 "a computerized system for the exchange of information between buyer and seller.")

The systems claim 4 is similar to the method claim 13 and web site claim 17. It would be obvious to one of ordinary skill in the art that these claim have similar

limitation. Therefore, claim 13 and 17 are rejected based on the information provided regarding claim 4.

Re claim 5: Lawrence discloses:

The system further including encryption means to provide anonymity and authenticity of the users. (See Lawrence, column 1, line 21-22)

Re claim 6: Popolo discloses:

The system wherein the relational database further includes a registry of the private exchanges and the users of the second subset (See Popolo, column 1, line 53-54 "a system storing a detailed database")

Re claim 7: Popolo discloses:

The system wherein the relational database further includes crossreferences of components of interest to the parties. (See Popolo, column 1, line 54-55 "database of available... products")

Re claim 8: Popolo discloses:

The system according wherein the subset of the remote terminals forming a part of the at least one first exchange anonymously reports to the server transaction data between terminals of the subset of remote terminals of the first exchange. (See Popolo, Fig 2, items 22, 24, 26 and 28 and column 2, line 30-31 "a plurality of computers")

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571.272.6799. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa


FRANKY P. O'NEILL
PRIMARY EXAMINER
